

HOUSE BILL 1874

By Buck

AN ACT to amend Tennessee Code Annotated, Section 40-20-114, relative to disqualification from public office of public officials convicted of felonies or infamous crimes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-20-114, is amended by deleting such section in its entirety and substituting instead the following:

(a) A person who has been convicted in this state of an infamous crime, as defined by § 40-20-112 other than one specified in subsection (b), or convicted under the laws of the United States or another state of an offense that would constitute an infamous crime if committed in this state, shall be disqualified from qualifying for, seeking election to or holding a public office in this state unless and until such person's citizenship rights have been restored by a court of competent jurisdiction.

(b) Notwithstanding the provisions of subsection (a) to the contrary, a person convicted in this state of an infamous crime, as defined by § 40-20-112, or convicted under the laws of the United States or another state of an offense that would constitute an infamous crime if committed in this state, and the offense was committed while such person is holding an elected public office at the federal level, or in this or any other state or any political subdivision thereof, shall be forever disqualified from qualifying for, seeking or holding any public office in this state or any political subdivision thereof, if such offense was committed in such person's official capacity or involved the duties of such person's office. The provisions of this subsection shall apply even if such person's citizenship rights have been restored but shall not be construed as limiting the restoration of any other citizenship rights including the right of suffrage provided for in §§ 2-2-139, 2-19-143, or 40-29-105.

(c) If a person is holding an elected public office and was convicted of an infamous crime pursuant to the qualifications in subsection (b) that was committed prior to the effective date of this act, such person shall be allowed to remain in such office for the remainder of the term, but shall forever be prohibited from qualifying for, seeking or holding any public office in this state or political subdivision thereof after the effective date of this act or when such term expires or when the person vacates such office, whichever is first.

(d) If a person is holding an elected public office and is convicted of an infamous crime pursuant to the qualifications in subsection (b) that was committed on or after the effective date of this act, such conviction shall be grounds for removal from office in the manner provided by law and such person shall forever be prohibited from qualifying for, seeking or holding any public office in this state or political subdivision thereof after the effective date of this act.

(e) If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to that end the provisions of this section are declared to be severable.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.